

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ECOLAB Inc., and NALCO COMPANY,
LLC d/b/a Nalco Water, an Ecolab Company
and/or Nalco Water,

Plaintiffs,

v.

JESSICA GRAILER,

Defendant.

No. 3:23-cv-00102

DECLARATION OF JAMES M. HUX, JR.

I, James M. Hux, Jr., hereby declare as follows:

1. I am over the age of 18 years old and do not suffer from any disabilities which would prevent me from giving and understanding this Declaration based on my personal knowledge.

2. I have personal knowledge of the facts set forth in this Declaration and could competently testify to them under oath if called as a witness.

3. I am an attorney with Fisher & Phillips LLP, counsel for Plaintiffs Ecolab Inc. and Nalco Company, LLC d/ba Nalco Water, an Ecolab Company in the above-captioned case.

4. On July 5, 2023, I participated in a meet and confer discovery conference with counsel for Defendant Jessica Grailer, during which, among other things, we discussed the request for audit log data. During the discovery conference, I did not refuse to produce the requested audit log data. Rather, I indicated that I would confer with Plaintiffs to determine whether Plaintiffs could produce a more fulsome report containing audit data from Grailer's Microsoft Office 365 account as requested by Defendant.

5. Defendant's counsel's last communication relating to the audit log data prior to

filing the Motion to Compel was on July 27, 2023.

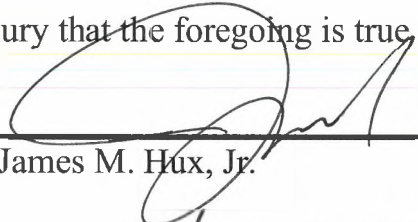
6. On August 16, 2023, Plaintiffs produced an audit log file containing Grailer's Microsoft Office 365 log data for the period of January 8, 2023 through January 18, 2023. *See Exhibit 1, Grailer Audit File.*

7. On August 18, 2023, in a good faith effort to resolve the Motion to Compel, I responded to additional requests from Defendant's counsel. *See Exhibit 2, August 18, 2023 Email from James Hux.*

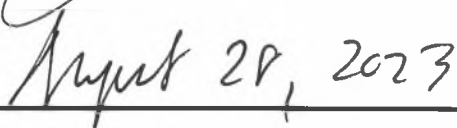
8. Plaintiffs have requested that Defendant Grailer withdraw the Motion to Compel.

9. On August 23, 2023, Defendant attempted to impose additional burdens on Plaintiffs not required under Rule 34 through the signing of a sworn Stipulation drafted by Defendant's counsel, which contains Grailer's counsel's representations relating to the data with language relating to sanctions and attorneys' fees.

10. I declare under penalty of perjury that the foregoing is true and correct.



James M. Hux, Jr.



Date